

EXHIBIT 1

2073CV00825 Ribeiro, Eduardo C vs. Home Depot U S A, Inc doing business as Home Depot

Case Type:
Torts

Case Status:
Open

File Date
11/30/2020

DCM Track:
F - Fast Track

Initiating Action:
Other Negligence - Personal Injury / Property Damage

Status Date:
11/30/2020

Case Judge:

Next Event:

All Information Party Tickler Docket Disposition

Party Information

Ribeiro, Eduardo C
- Plaintiff

Alias

Party Attorney

- Attorney
- Gemma, Esq., Peter A
- Bar Code
- 669134
- Address
- Gemma Law Associates Inc
- 231 Reservoir Ave
- Providence, RI 02907
- Phone Number
- (401)467-2300

[More Party Information](#)

Home Depot U S A, Inc
- Defendant

Alias

Party Attorney

[More Party Information](#)

Ticklers

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Service	11/30/2020	03/01/2021	91	
Answer	11/30/2020	03/30/2021	120	
Rule 12/19/20 Served By	11/30/2020	03/30/2021	120	
Rule 12/19/20 Filed By	11/30/2020	04/29/2021	150	
Rule 12/19/20 Heard By	11/30/2020	06/01/2021	183	
Rule 15 Served By	11/30/2020	03/30/2021	120	
Rule 15 Filed By	11/30/2020	04/29/2021	150	
Rule 15 Heard By	11/30/2020	06/01/2021	183	
Discovery	11/30/2020	09/27/2021	301	
Rule 56 Served By	11/30/2020	10/26/2021	330	
Rule 56 Filed By	11/30/2020	11/26/2021	361	

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Final Pre-Trial Conference	11/30/2020	03/25/2022	480	
Judgment	11/30/2020	11/30/2022	730	

Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
11/30/2020	Attorney appearance On this date Peter A Gemma, Esq. added as Private Counsel for Plaintiff Eduardo C Ribeiro		
11/30/2020	Case assigned to: DCM Track F - Fast Track was added on 11/30/2020		Image
11/30/2020	Original civil complaint filed.	1	Image
11/30/2020	Civil action cover sheet filed.	2	Image
11/30/2020	Demand for jury trial entered.		
12/07/2020	One Trial case reviewed by Clerk, case to remain in the Superior Court. Judge: Fregault, Garrett R		

Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Pending		

#1

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPT.

CA NO. 2073CV00825C

EDUARDO C. RIBEIRO,

Plaintiff,

BRISTOL, SS SUPERIOR COURT
FILED

v.

NOV 30 2020

HOME DEPOT U.S.A., INC., d/b/a HOME
DEPOT, Alias John Doe

MARC J SANTOS, ESQ.
CLERK/MAGISTRATE

Defendant.

COMPLAINT

General Allegations

1. The Plaintiff, Eduardo C. Ribeiro, is a resident of the City of Fall River, County of Bristol, Commonwealth of Massachusetts.
2. The Defendant, Home Depot U.S.A., Inc., is a Delaware corporation with a principal office located at 2455 Paces Ferry Road, located in the City of Atlanta, State of Georgia. At all times mentioned herein, the defendant was licensed and authorized to do business in the Commonwealth of Massachusetts.
3. On or about December 12th, 2017 the defendant, Home Depot U.S.A., Inc d/b/a. Home Depot, operated a retail home improvement store known as Home Depot located at 1100 Newport Avenue, located in the town of South Attleboro, county of Bristol, Commonwealth of Massachusetts and at all times mentioned herein managed, maintained and controlled the operation of the store and was in possession of said store location.
4. On or about December 12th, 2017 the plaintiff, Eduardo C. Ribeiro, was a customer at the Home Depot located at 1100 Newport Avenue, South Attleboro, MA, shopping for a lally column when he was struck in the head by steel beam that was not properly attached to the shelving/display unit from which he was obtaining the item he was shopping for.
5. At the time and place aforesaid, the defendant was negligent in maintaining the area where the lally columns were displayed in a dangerous, unfit and negligent manner in that a steel beam at the display area was not properly affixed or attached to the shelving/display unit and created a dangerous and hazardous conditions for individuals shopping at the store. The defendant was also negligent in failing to warn the plaintiff of said danger. As a result of the defendant's negligence as aforesaid, the plaintiff was seriously injured when the steel beam fell from the shelving/display unit and struck the

plaintiff.

6. The defendant knew or should have know that the area where the plaintiff was shopping was dangerous and hazardous to persons shopping there.
7. The plaintiff was at all times in the exercise of due care and caution.
8. That as a direct and proximate result of Defendant's negligence as aforesaid, the Plaintiff sustained personal injuries and emotional harm, which incapacitated him, causes him great pain and suffering; he incurred, is continuing to incur, and in the future will incur expenses for medical and hospital care and attention.
9. The Plaintiff was unable to perform his usual occupation and lost wages, salaries and/or earnings, and also suffered a loss in earning capacity.

WHEREFORE, the Plaintiff demands judgment against the Defendant, plus costs and interest. The monetary amount claimed is sufficient to establish the jurisdiction of the Superior Court.

The Plaintiff demands trial by jury.


By Plaintiff's Attorney,



PETER A. GEMMA, ESQ #669134
GEMMA LAW ASSOCIATES, INC.
231 RESERVOIR AVENUE
PROVIDENCE, RHODE ISLAND 02907
TELEPHONE: (401) 467-2300
FACSIMILE: (401) 467-8678
E-MAIL: peter@gemmalaw.com

DATED: November 25, 2020

CIVIL ACTION COVER SHEET *BRISTOL COUNTY USE ONLY*	DOCKET NUMBER 2073CV00825C	Trial Court of Massachusetts The Superior Court
PLAINTIFF(S): EDUARDO C. RIBEIRO ADDRESS: 567 3RD STREET APARTMENT 1R FALL RIVER, MA 02721		COUNTY Bristol
BRISTOL, SS SUPERIOR COURT FILED NOV 30 2020		DEFENDANT(S): HOME DEPOT U.S.A., INC., d/b/a HOME DEPOT
ATTORNEY: PETER A. GEMMA ADDRESS: 231 RESERVOIR AVENUE PROVIDENCE, RI 02907		ADDRESS: c/o CORPORATION SERVICE COMPANY 84 STATE STREET, BOSTON, MA 02109
BBO: 669134		
TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)		
CODE NO. B04	TYPE OF ACTION (specify) PERSONAL INJURY	TRACK F
		HAS A JURY CLAIM BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
*If "Other" please describe:		
STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A		
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.		
TORT CLAIMS (attach additional sheets as necessary)		
A. Documented medical expenses to date:		
1. Total hospital expenses	\$	4,746.93
2. Total doctor expenses	\$	11,529.00
3. Total chiropractic expenses	\$	3,995.00
4. Total physical therapy expenses	\$	4,382.00
5. Total other expenses (describe below)	\$	3,400.46
Subtotal (A):	\$	28,053.39
Ambulance Transportation, Radiology Reading Charges		
B. Documented lost wages and compensation to date	\$	
C. Documented property damages to dated	\$	
D. Reasonably anticipated future medical and hospital expenses	\$	10,000.00
E. Reasonably anticipated lost wages	\$	10,000.00
F. Other documented items of damages (describe below)	\$	
G. Briefly describe plaintiff's injury, including the nature and extent of injury: Head contusion, headaches, right side numbness in shoulder		TOTAL (A-F):\$ 48,053.36
CONTRACT CLAIMS (attach additional sheets as necessary)		
Provide a detailed description of claims(s):		
		TOTAL: \$ 0
Signature of Attorney/Pro Se Plaintiff: X		Date:
RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.		
CERTIFICATION PURSUANT TO SJC RULE 1:18		
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.		
Signature of Attorney of Record: X		Date: 11/25/20

CIVIL TRACKING ORDER (STANDING ORDER 1- 88)	DOCKET NUMBER 2073CV00825	Trial Court of Massachusetts The Superior Court 
CASE NAME: Ribeiro, Eduardo C vs. Home Depot U S A, Inc doing business as Home Depot		Marc J. Santos, Clerk of Court Bristol County
TO: File Copy		COURT NAME & ADDRESS Bristol County Superior Court - Taunton 9 Court Street, Rm 13 Taunton, MA 02780

TRACKING ORDER - F - Fast Track

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION**DEADLINE**

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		03/01/2021	
Response to the complaint filed (also see MRCP 12)		03/30/2021	
All motions under MRCP 12, 19, and 20	03/30/2021	04/29/2021	06/01/2021
All motions under MRCP 15	03/30/2021	04/29/2021	06/01/2021
All discovery requests and depositions served and non-expert depositions completed	09/27/2021		
All motions under MRCP 56	10/26/2021	11/26/2021	
Final pre-trial conference held and/or firm trial date set			03/25/2022
Case shall be resolved and judgment shall issue by			11/30/2022

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.
Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.
This case is assigned to

DATE ISSUED 11/30/2020	ASSISTANT CLERK Garrett Fregault	PHONE (508)823-6588
----------------------------------	--	-------------------------------